IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 484 OF 2007

Mr. Shiva Balkrishan Desai & Anr. .... Petitioners

V/s

The Corporation of the City of Panaji
through Commissioner & Anr. .... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioners.
Mr. A.F. Diniz, Advocate for Respondent No.1.
Mr. P. Rao, Advocate for Respondent No.2.
Mr. J. Godinho, Advocate for Respondent No.3.

CORAM : D.B. BHOSALE &
N.A. BRITTO, J.J.

DATE :10th DECEMBER, 2007

ORAL ORDER :

Heard learned Counsel for the parties.

2. In this Writ Petition, the Petitioners have made the following prayers;

a) For a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or direction thereby directing the Respondent No.1 to forthwith take appropriate action for closure of the establishment/premises of the Respondent No. 2 situated at Shop No.4, House No. 13/177/8, Ground Floor, Eden Rock Building, St. Inez, Panaji-Goa.

b) For interim reliefs thereby restraining the Respondent No.2 from carrying out any repair work of motor vehicles in the premises situated at Shop No.4, House No. 13/177/8, Ground Floor, Eden Rock Building, St. Inez, Panaji-Goa, pending the hearing and final disposal of this petition.

3. Learned Counsel for the Corporation (Respondent No.1) submits that after receiving complaint of the repairing activities and application for revocation of the license from the Petitioners, they have directed Respondent No.2 to stop repairing activities outside the shop premises.

4. Mr. Parag Rao, learned Counsel for Respondent No.2 submits that Respondent No.2 shall file the undertaking in this Court that he shall not carry out repairing activity outside his shop causing nuisance to any one, within a period of two weeks from today. His statement is accepted. Upon filing such undertaking as afore stated, a copy thereof may be served to the Advocate for the Petitioners and Respondent No.1.

5. It is open for the petitioners to make a representation for appropriate relief to the concerned authority, challenging the activity of repairing being carried out in the shop premises. If such representation is made, the concerned authority shall deal with the same after giving an opportunity of hearing to the Petitioners and Respondent No.2 and decide the same

expeditiously and in any event before 31st March, 2008, when the existing license of Respondent No.2 would be due for renewal.

6. With these observations, Writ Petition is disposed of.

D.B. BHOSALE, J.

N.A. BRITTO, J.

NH/-